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PART-IIA

GOVERNMENT OF MEGHALAYA

NOTIFICATIONS

The 10th January, 2019.

No.FEG.22/2017/43. - In exercise of powers conferred under Article 166(3) of the Constitution of India, the Governor of Meghalaya is pleased to make the following rules further to amend the Meghalaya Delegation of Financial Powers Rules, 1981, namely, -

- Short title and Commencement.-** (1). These rules may be called the Meghalaya Delegation of Financial Powers (Amendment) Rules, 2018.
(2) They shall come into force at once.
- Amendment of Schedule V.** - In the Schedule V to the Principal Rules, after the existing Sl. No. 52, a new entry shall be added, namely; -

"53. Director of Agriculture (Research & Training)".

P. K. AGRAHARI,

Secretary to the Govt. of Meghalaya,
Finance (Establishment) Department.

The 10th January, 2019.

CORRECTION SLIP TO THE FUNDAMENTAL RULES AND SUBSIDIARY RULES, 1984.

CORRECTION SLIP NO. 86.

APPENDIX 4.

No.FEG.22/2017/42. - The following new entry shall be inserted below the existing entries in Appendix 4 to the Meghalaya Fundamental Rules and Subsidiary Rules, 1984.

"53. Director of Agriculture (Research & Training)".

It shall come into force from the date of Notification.

B. D. NONGHULOO,

Under Secretary to the Govt. of Meghalaya,
Finance (E) Department.

The 9th January, 2019.

No.Health.206/2012/Pt-I/110. - In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Meghalaya is pleased to make the following rules to regulate the recruitment and other conditions of service of persons appointed to the Meghalaya Food Safety Officers' Service under the administrative control of Health & Family Welfare Department, namely; The Meghalaya Food Safety Officers' Services Rules, 2018.

1. Short title and Commencement.- (1) These Rules may be called The Meghalaya Food Safety Officers' Services Rules, 2018.

(2) They shall come into force from the date of its notification in the Official Gazette.

2. Definitions.- In these rules, unless there is anything repugnant in the subject or context.-

- (a) "Appointing Authority" means the Governor of Meghalaya;
- (b) "Commission" means the Meghalaya Public Service Commission;
- (c) "Committee" means the Departmental Promotion Committee constituted under Rule 8;
- (d) "Gazette" means the Gazette of the state of Meghalaya;
- (e) "Government" means the Government of Meghalaya;
- (f) "Governor" means the Governor of Meghalaya;
- (g) "Member" means the person appointed to the Meghalaya Food Safety Officers's Service;
- (h) "Rule" means the Meghalaya Food Safety Officers's Service Rules;
- (i) "Service" mean the Meghalaya Food Safety Officers' Service;
- (j) "Select List" means the list prepared under sub-rule (4) of Rule 9;
- (k) "Schedule" means the Schedule appended to these rules;
- (l) "State" means the State of Meghalaya; and
- (m) "Year" means the Calendar Year.

3. Constitution of the Service.- There shall be constituted a Service known as the Meghalaya Food Safety Officers' Service consisting of the following persons, namely;

- (a) persons appointed to different posts in the service before the commencement of these Rules, and
- (b) persons appointed to different posts in the Service in accordance with the provisions of these Rules.

4. Composition of the Service. - (1) The Service shall consist of the following Grades and Posts, namely:-

- (i) Senior Grade - Joint Commissioner of Food Safety
- (ii) Grade - I - Deputy Commissioner of Food Safety
- (iii) Grade - II - Assistant Commissioner of Food Safety (Designated Officer)
- (iv) Grade - III - Food Safety Officer

(2) Each of the categories of posts in different Grades of sub-rule (1) shall form an independent cadre and the members of the lower cadre shall have no claim for appointment to the higher cadre except in accordance with the provisions of these rules.

5. Status of the service - All posts in the service under sub-rule (1) of Rule 4 shall be of Gazetted Status.

6. Strength of Service. - (1) The strength of the service shall be such as may be determined by the Governor from time to time.

(2) At the commencement of these rules, the strength of the service and posts therein shall be as shown in the Schedules I & II.

7. Method of Recruitment. - (1) Appointment to the post of Senior Grade shall be made by promotion from amongst the members of the Service possessing requisite qualification and experience and holding next lower post in Grade I as specified in Schedule II and included in the Select List referred to in sub-rule (5) of rule 9.

(2) Appointment to the post of Grade I shall be made by promotion from amongst the members of the Service possessing requisite qualification and experience and holding next lower post in Grade II as specified in Schedule II and included in the Select List referred to in sub-rule(5) of rule 9.

(3) Appointment to the post of Grade II shall be made by promotion from amongst the members of the Service possessing requisite qualification and experience and holding next lower post in Grade III as specified in Schedule II and included in the Select List referred to in sub-rule (5) of rule 9.

Appointment or Promotion to the posts at Sls. 1 to 3 above shall be subject to the recommendation of the Departmental Promotion Committee and in consultation with the Meghalaya Public Service Commission.

(4) Appointment to the post of Grade III shall be made only by direct recruitment on the result of the examination conducted by the Commission from the candidates possessing qualification as specified in Schedule II.

8. Departmental Promotion Committee. - (1) For the purpose of making promotion under these rules, there shall be a Departmental Promotion Committee consisting of the following members:-

- | | |
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| (i) Chief Secretary, Meghalaya, Shillong. | - Chairman |
| (ii) Addl. Chief Secretary/Principal Secretary/
Commissioner & Secretary, Health & F. W. Department | - Member-Secretary |
| (iii) Principal Secretary/Commissioner & Secretary/Secretary
Additional Secretary, Personnel & AR Department, | - Member |
| (iv) Principal Secretary Commissioner & Secretary/Secretary,
Finance Department, | - Member |

(2).The Committee may invite any other person to attend its meeting if and when necessary.

9. Procedure for Preparing the Select list. - (1) At the beginning of each year the Appointing Authority shall refer to the Committee, the approximate number of vacancies likely to occur in each

grade of the service during the year. To enable the Committee to prepare the Lists for promotion to those grades, the Appointing Authority shall furnish the Committee with the following documents, namely:-

(i) A list of the members of the Service drawn up in order of seniority and consisting three times the number of vacancies referred to in sub-rule (1):

Provided that such restriction shall not apply in respect to post where the total number of eligible person is less than three times the number of vacancies and in such a case the Committee shall consider all the eligible persons.

(ii) the Character Roll and Service Records of such persons, and

(iii) any other document and information as may be considered necessary by the Appointing Authority or required by the Committee.

(2) The Committee after examining the Character Rolls, Service Records and other documents in respect of all such persons, shall prepare a List based on seniority with due regard to merit and suitability. The number of persons to be included in the list shall be according to the actual number of vacancies available at the particular grade. The list shall be forwarded by the Committee to the Appointing Authority.

(3) The names of the persons in the list shall be placed in order of preference for promotion. In every case where a junior member is selected in preference to his seniors the Committee shall record in writing the reasons for doing so.

(4) For the purpose of appointment by promotion under sub-rule (1), (2) and (3) of Rule 7, the Appointing Authority shall consider the list prepared by the Committee along with the Character Rolls and Service Records and other documents in respect of each person in the list and unless he considers that any change is necessary, approve the list. If the Appointing Authority considers it necessary to make any change in the list received from the Committee, he shall inform the Committee of the changes proposed and after taking into account the comments if any, of the Committee, approve the said list finally with or without modification as may in his opinion to be just and proper.

(5) The list as approved under sub rule (4) above shall form the select list for the purpose of appointment by promotion under sub-rules (1), (2) and (3) of Rule 7.

10. Consultation with the Commission.- (1) The Appointing Authority shall forward the list prepared under Rule 9 to the Commission along with the Character Rolls, Service Records and other relevant documents in respect of each person in the list together with his comments, if any.

(2) The Commission shall consider the lists and documents referred in sub-rule(1) and such other documents as it may have called for and unless it considers that any change is necessary, approve the list.

(3) If the Commission considers it necessary to make any change in the list received from the Appointing Authority, it shall inform him of the changes proposed and after taking into account the comments, if any, of the Appointing Authority, approve the said list finally with or without modification as may in its opinion to be just and proper.

11. Validity of the Select List. - (1) The Select List (s) shall remain in force for a period of one year unless its validity is extended with the approval of the Commission:

Provided that such an extension shall not be for a total period exceeding six months;

Provided further that in the event of great lapse in the conduct or performance of duties on the part of any person included in a select list, the Appointing Authority may, if he thinks fit, remove the name of such person from the Select List. The reasons for doing so shall be recorded in writing.

(2) The Committee shall meet once a year to review the Select List(s).

12. Direct Recruitment. - (1) Competitive examination for direct recruitment under sub rule (4) of Rule 7 shall be held at such intervals as the Appointing Authority may, in consultation with the Commission from time to time, determine. The date on which and the place in which the examination shall be held shall be fixed by the Commission.

(2) The examination shall be conducted by the Commission in accordance with such syllabus as the Appointing Authority may from time to time make in consultation with the Commission.

(3) Of the number of vacancies to be filled up on the result of the examination, there shall be reservation in favour of candidates belonging to Scheduled Castes and Scheduled Tribes to the extent and subject to the conditions as the Government may from time to time prescribe.

(4) On the basis of the result of the competitive examination the Commission shall prepare a list of all successful candidates in order of merit, which shall be determined in accordance with the aggregate marks obtained by such candidates and if two or more candidates obtain equal marks, the Commission shall arrange them in order of their relative merit which shall be determined in accordance with the general suitability of the candidates for appointment to the post. The number of persons to be included in the list shall be as according to the actual vacancies likely to occur during the recruitment year. The list shall be forwarded to the Appointing Authority.

(5) The inclusion of a candidate's name in the list confer no right to appointment unless the Appointing Authority is satisfied after such enquiry as may be considered necessary that the candidate is suitable in all respect for appointment to the post and that appointment to any post in the service is subject to availability of vacancy.

13. Condition of eligibility for appearing at the Competitive Examination.- In order to be eligible to compete at the examination for direct recruitment, a candidate must satisfy the following conditions, namely,

(1) **Nationality**- He must be a citizen of India.

(2) **Age**- He must have attained the age of **18 years** and must not have exceeded the age of **27 years** on the first day of the year in which the advertisement for the post is made:

Provided that in the case of candidates belonging to scheduled caste and scheduled tribes, the upper age limit will be subject to relaxation made by the Government from time to time.

(3) **Education Qualification**: As laid down in Sl. No. 4 & column 4 of the Schedule-II of this rule.

14. Disqualification for appointment to the Service.-(1) No person shall be appointed who, after such medical examination as the Government may prescribe, is not found to be in good mental or

bodily health and free from any physical defect or infirmity which may render him unfit in the discharge of his duties.

(2) No person shall be appointed to the service who had been convicted for any offence involving moral turpitude.

(3) No person who has more than one spouse living shall be eligible for appointment to the service:

Provided that the Governor may, if he is satisfied that there are special grounds for doing so, exempt any person from the operation of this sub-rule.

(4) No person who attempts to enlist support for his candidature either directly or indirectly by any recommendation either written or oral or by any means, shall be appointed to the service.

15. Appointment to the Service.- (1) Appointment to any posts in the service under Rule 7 shall be made by the Appointing Authority and shall be published in the Meghalaya Gazette.

(2) Subject to the provisions of sub-rule (3) and (5) of Rule 11 appointment shall be made from time to time in the order in which the names of candidates appear in the merit list prepared under sub-rule (4) of Rule 11.

(3) A person appointed by direct recruitment shall join within 15 days from the date of receipt of the order of appointment, failing which and unless the Appointing Authority extend the period of joining, which shall not in any case exceed three months, the appointment shall be cancelled.

(4) Appointment under sub-rule (1), (2) & (3) of Rule 7 shall be made in the order in which the names of candidates appear in the select list approved by the Commission under sub-rule (4) of rule 9.

16. Probation.- Every person appointed to the Service under Rule 7 shall be on probation for a period of two years:

Provided that the period of probation may for good and sufficient reasons be extended by the Appointing Authority in any individual case by a period not exceeding two years:

Provided further that where a person appointed to the post in the Service could not be placed under probation for want of permanent vacancy, any period which he has rendered in a temporary capacity, may having regard to his performance be counted towards the period of probation.

17. Training. - A member of the service shall be required to successfully undergo mandatory training as specified by the Food Safety and Standards Authority of India in a recognized institute or institution approved for the purpose.

18. Discharge or reversion.- (1) Where the Appointing Authority finds that the performance of duty by any member of the service, appointed by promotion, is unsatisfactory or where he is found unfit to hold the post at any time, such member shall be liable to be reverted to his next lower post or grade.

(2) A member of the Service appointed by direct recruitment shall be liable to be discharged if-

(a) he fails to make sufficient use of the opportunities given during the training or otherwise fails to give satisfactory performance .

(b) on any information received relating to his nationality, age ,health character and antecedents the Appointing Authority is satisfied that any member is in-eligible or otherwise unfit for being a member of the service.

19. Seniority.- (1) The inter-se seniority of the members of the Service in any cadre appointed on or after 21st January 1972 but before the commencement of these rules, shall be in order in which their names appeared in the respective lists prepared by the Commission or the select list approved by the Commission.

(2) The *interse* seniority of the members of the Service appointed to different cadres after the commencement of these rules shall be in the order in which their names appear in the merit list prepared under sub-rule (4) of Rule 11 or in the select list approved under sub-rule (4) of Rule 9;

Provided that in any cadre, a member of the Service appointed by promotion or selection shall be senior to a member appointed by direct recruitment, where such selection fall in the same year.

(3) If confirmation of any member of the Service is delayed on account of his failure to qualify for such confirmation, he shall lose his seniority *vis-à-vis* such of his juniors in his cadre as may be confirmed earlier than him. His original position shall, however, be restored on his confirmation subsequently.

20. Confirmation.- (1) Confirmation of a member of the service in the cadre appointed by promotion shall be made according to his or her seniority in the cadre subject to the following conditions, namely,

(a) that, he or she has served not less than one year in the post where he or she is to be confirmed;

(b) that, the performance of the employee is satisfactory (to be judged on the basis of annual confidential reports and other relevant records);

(c) that, there is no departmental proceedings or vigilance inquiry against him or her; and

(d) subject to the availability of vacancy and that no officer holds a lien on it.

Provided that where a person is not given an opportunity to undergo the prescribed mandatory training as specified by the Food Safety & Standards Authority of India, his or her confirmation shall not be held up for reason of not successfully undergoing the said training, but such person shall when called upon by the Appointing Authority and opportunity given, successfully undergo the said training:

Provided further that the Appointing Authority may for good and sufficient reasons exempt a member of the service from passing any one or more departmental examination and training and confirm his or her in the respective cadre of the Service.

21. Gradation List.- There shall be prepared and published annually an up to date gradation list as on 1st January consisting of the names of all members of the service cadre-wise and drawn up in the order of seniority and other particulars relating to the date of birth and appointment to the service and such other details relevant to the service career shall be also indicated against each name.

22. Time Scale and Fixation of Pay.- 1).The Scale of pay including special pay admissible to the members of the Service in different posts are as shown in **column 3 of the Schedule-I**, subject to revision by Government from time to time.

2). Fixation of Initial Pay in the Time Scale of Pay Except as otherwise admissible under the Meghalaya FRs and SRs, 1984 or under special orders of the Government on the first appointment to the Service, the pay of the Food Safety Officer shall be fixed at the minimum of the time scale.

3). On promotion from one cadre or post to another in the Service, the pay shall be fixed in accordance with the Principles governing such fixation in the Meghalaya FRs & SRs, 1984 or any other Rules for the time being in force.

23. Increment.- (1). The first increment admissible to a member of the service shall accrue on completion of one year from the date of his joining the post.

(2).Such persons referred to in sub-rule (1) of Rule 3 shall be allowed to draw increment becoming due within the period of two years from the date of commencement of these rules.

(3).The increment admissible to the member of the Service promoted from one post to another shall accrue on the expiry of such year as admissible under the rules.

24. Leave, Pension and other conditions of Service.- All matters generally relating to pay and allowances, leave, pension, discipline and other conditions of Service shall be regulated by rules and orders made by the Government from time to time and applicable to other State Government employees of the Corresponding status having similar functions.

25. Power of the Governor to dispense with or relax any Rules.- The Governor, if satisfied that the operation of any of the provision of these rules causes undue hardship in any particular case or cases or results in any particular post or posts being left unfilled for want of person(s) possessing the minimum experience as specified by these rules for promotion to such post(s), may dispense with or relax the requirement of any of these rules to such extent and subject to such condition, as it may consider necessary for dealing with the case in a just and equitable manner, or, for meeting the exigencies of public interest.

26. Interpretation.- If any question arises relating to the interpretation of these rules, the decision of the Government in the Health & Family Welfare Department with the approval of the Personnel & A. R. Department, shall be final.

27. Repeal and Savings. - All rules, orders or notifications corresponding to and in force, immediately before the commencement of these rules, are hereby repealed:

Provided that all orders made or action taken under the rules, order or notification so repealed or any action taken in pursuant thereto shall be deemed to have been validly made or taken under the corresponding provisions of these rules.

P. W. INGTY,
Additional Chief Secretary to the Government of Meghalaya
Health & Family Welfare Department.